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"THE POST"-MCNAMEE LIBEL SUIT.

that particular time. Is that what you say?

A Yes. The Court-You have no recollection of any meeting at your house or any assemblage there of these people at the time of your return from New York in 1862? A No; I have no special recollection of any special meeting of that sort with these men whose names have been mentioned.

Q Have you any recollection of any meeting after your return from New York in the fall of 1862 at which these people met? A I that frequently, on several occasions, friends came and saw me at my house; I gave them an account of my trip to New York and what I thought of O'Mahoney.

Q Did you at any time invite these people to come to your house? A I have had seve-

ral parties at my house.

Q At that time? A Yes, social parties. Q. You invited them to come there soci-

ally? A. Yes. Q. You held no post in St. Patrick's Society then, did you? A. I was not President, but I think I was a committee-man long before 1862.

Q. Did you take part in the formation of a society called the Hibernian Society, about that time? A. I did.

Q. Do you remember who were the members of that Hibernian Society? A. I have a recollection of some of the members. Q. Who were those that you recollect? A.

I was a member myself. Q. And the others were? A. Well, you see it was a Society that was in existence a very short time. We had several short-lived little clubs and societies at the time and during my time in Montreal. This Hibernian Society was a very small affair, and I don't know specially who were the members. Q. Was Mr. O'Meara a member of it any

length of time? A. Well, he is here; he will answer for himself. Q. But I would like to know from you? A.

Well, I cannot answer that. Q. You do not remember, then, whether he was a member or not? A. He was mixed

up in so many little things with us that I have no recollection now. Q. Was he not Secretary of the Hibernians for a time? A. Well, I declare, I could not

swear whether he was or not. Q. Was not Mr John Robinson the Treasurer of that Society. A. I have no

recollection of it. Q. Were you not the President of that Society? A. I was not President, I was at a meeting of the Hibernians Society, at the Organization of it, and I was at a few of its subsequent meetings; but very tew of them, for two or three months; not less than two months and not more than three, and I never belonged to them after. They disappeared In my opinion; I don't think we had any

Q. Were you chairman? A. I think I was chairman; if I remember correctly I

Q. Where was the Society organized? A. Well, I declare I don't know where the first meeting was held. Q. Was it not at your house? A. Not so

far as 1 recollect. Q. Could it not have been that the first meeting for the organization of it was at your house and you have forgotten it? A. If it

was. I have no knowledge of it. Q. Will you swear it was not at your house? A. As far as I can recollect it was not at my house. It was such a trifling affair, that the whole thing has passed out of my mind.

Q. When was it organized? A. Some time in the winter of 1862, I think. Q. And when was it that you saw

O'Mahoney in New York? What month? A. September, 1862, or October. The Court here took recess till 2 p.m.

AFTERNOON SESSION.

The Court re-assembled at 2.10, when the cross-examination of Mr. McNamee was re-

O. What was the object of the Hibernian Society? A. To assist in ameliorating the condition of the people of Ireland, so far as I can remember.

I may state Your Honor that since I left the box at recess, Mr. John McGrath and I have had a conversation, and he has reminded me what I had no recollection of, that there was a meeting held at my house on Sunday afternoon or some afternoon, and I have only a vague recollection of it even after being reminded of it by him; it was so me time after I returned from New York in 1862; I have no recollection even at this present moment of being there; but John McGrath says he was at a meeting in my house for the purpose of forming the Hibernian Society. Q. What were the means to be taken by

this Society for the amelioration of the condition of the people of Ireland? A. I really cannot give the particulars; nor have I the slightest recollection of the rules or regulations of the Society; but I know it was to help the people of Ireland to get as much liberty as they could from the English Government; as Lord Palmeraton at the time, if strengthening his hands.

Q. Then the Hibernian Society was a Society organized for the purpose of assisting Lord Palmerston? A. Oh, no; to assist the people of Ireland, and to strengthen Lord Palmerston's hands; I think it was Lord Palmerston; there was something on foot then for ameliorating the condition of the people of Ireland, I think.

Q. I suppose one of its objects was to raise

money? A. I think it was.
Q. And to whom in Ireland was that money to be remitted? A. Well, I suppose it was to some of the heads of the Irish people.

Q. What organization was it that was at that time particularly busying itself for the amelioration of the condition of the peeple Ireland? A. Honestly, I cannot remember.

Q. Did Mr. O'Mahoney give you any hint as to the way in which this money should be remitted? A. Well, I suppose he did, and it is likely that whatever he suggested was

carried out. Q. Was Mr. O'Mahoney at that time a refugee from Ireland? Had he been in prison there? A. I think so; at the same time I disremember if ever O'Mahoney was ever ar-

Q. He at all events had been implicated in the agitation taking place in Ireland? A. In the agitation, I think he was one of the

principal men interested in the amelioration of the people of Ireland. Q. And his idea of ameliorating the condition of the people of Ireland was the foundation of a lrish Republic, was it not? A. Well, I have heard it talked in that way.

Yes, he talked in that way. Q. And he told you, I suppose, that there were people in Ireland of his own mode of think I did,—yes.

thinking, assiduously working for the amelioration of the condition of the people of Treland? A. I think he did.

Q. And was it to those people that these funds raised by the Hibernian Society were to be sent? A. I think so; I should judge

Q. Will you allow me to refresh your memory in reference to a draft or copy of a constitution either dictated to you or suggested to you by O'Mahoney on the occasion of your you may call it. constitution furnished to you by O'Mahoney, and submitted by you to that meeting in your house for the Constitution of the Hibernian Society or some society of the same nature, or was it submitted at any other meeting? A.

I do not remember. Q. It is quite possible that that may have been done, though is it? A. It is possible that it may; but I don't recollect.

Q. In this Ribernian Society, after it was organized, was there any pledge administered to persons who joined it? A. I think there was a promise that we were to assist the people of Ireland.

Q. Was it recognized either by the constitution, by-laws or otherwise, that this Hibernian Society was in subjection to any other society, which would be looked upon as a species of mother society? A. Well, it might be looked upon in that way by some people, that it had some affinity with Irishmen in New York, or in Ireland. As I have stated before, I belonged to the Hibernian Society not less than two and not more than three months, and never belonged to it from that day to this; that was in the fall of 1862.

Q. You must have established it then almost immediately after your return from New York? A. No,—Oh! well, yes, it was not long after.

Q. How many members were there of the Hibernian Society? A. To the best of my recollection there were ten.

Q. Did a number of the members retire from the Hibernian Society? A. I am not aware that a number retired or that it was dissolved altogether; I am not aware of any of its workings from my being a member of it; I am not aware of its working after the condition. first few months; what it did afterwards I have no knowledge of.

Q. When did the Fenian Brotherhood arise? A. I really think it was in 1863 or 1864 that the first talk was heard of Fenianism. I have not been giving it thought and have not had time; I have been day and night at my business for the last four months; I have not even read up on the matter to post myself on this; if I had any chance of reading up, I could give you the day and date for everything of the sort.

Q. Was not the Fenian Brotherhood in existence in 1860 in Ireland, with branches in New York and the States generally? A. I have no knowledge of it.

Q. Is it not a fact that the money to be raised by the Hibernian Society was to be sent to Ireland in order to assist in the movement for making Ireland a Republic? A. I could not answer that.

Court—We must come to the point. You are accused of being a Fenian; and the real question is whether you are one or not. A person would not have a right to complain of being called a Fenian if he is one.

Q. Is it not a fact that this money was to be sent home to Ireland in order to assist parties agitating for the formation of a Republic of Ireland and for the severance of Ireland from Great B itain? A. Not to my knowledge. Any money that I sent, or was the means of sending, was for the benefit of the people as against the tyranny of the landlords.

Q. Did you ever send money to Ireland as President of the Hibernian Society? A. I have sent lots of money to Ireland. I really cannot say how the Hibernian Society's money went, but it was intended for Ireland. Q. Have you no knowledge of its being

sent? A. I have not. Q. During the time yo the Hibernian Society was there any money expressly raised for being sent to Ireland? A. I dare say there was, but I have no knowledge of it at the present moment. If you give me some data I shall certainly tell all I know about it.

Q. Have you no knowledge of money being sent to Ireland by the Hibernians, or to New

York? A. No. Q. Or to O'Mahoney? A. Well, if it was sent to New York it would be sent to O'Mahonev.

Q. He might have received from there. Have you any knowledge of its being sent to O'Mahoney? A. I really have not at the present moment.

Q. Was not your withdrawal from the Hibernian Society owing to certain persons refusing to join it on account of your connection with it? A. Not to my knowledge. I retired from it of my own will, as far as I know. Q. Did this Hibernian Society afterwards

become a branch of the Fenian Brotherhood? A. Not to my knowledge; 1 left it. I have not the slightest doubt that like myself and most Irishmen the members of the Society would be in friendly accord with any move ment that would be for the amelioration of the condition of the people of Ireland. Q. Then you consider that Fenianism was

a movement for the amelioration of the condition of the people of Ireland? A. There is a difference of opinion on that. A statesman in the House of Commons stated, I believe, that the Fenians had done some good in Ire I remember correctly, was attempting to give land; I think he said they were the means of them; and it was to aid and assist him by disestablishing the Church in Ireland which disestablishing the Church in Ireland which was one of the steps in the right direction; I think I read that in the public press.

Q. I am asking your own opinion of the Fenian Brotherhood; do you think it calculated to amelicrate the condition of the people of Ireland? A. I believe the Fenian movement helped to enlighten the people.

Q. And you consider it, therefore, a praiseworthy movement? A. In Ireland, yes; any movement that will tend to elevate the it is the easiest thing in the world to get as much money as is wanted for assisting the passwords. people of Ireland; it is easy to get it from any Irishman that is worth a dollar; it is no use talking.

The Count—The point is are you a Fenian or not? It you are you, need not be very much offended at being called one; you were asked if this Hibernian Society became merged in the Fenian Brotherhood; you said you supposed it would naturally sympathize with it; you rush off to say that whatever Irlshman has money would contribute to the support of such a movement. Morally, you may think this right. But you are called a Fenian, and the question is whether you are one or not. The issue must be kept perfectly clear before the jury without any sort of confusion. Put your question again, Mr. Kerr.

Q Do you approve of the Fenian organizatlon, Mr. McNamee? A As in Ireland, yes. Q You consider that it is justifiable and Court-A man may consider what he

likes, if he does not act and break the law. Q. Did you not aid and assist the Fenian organization during its existence? A. I could not tell you more than I am a strong sympathizer, perhaps not so much with Fenianism as with any movement that would be going on for benefitting the Irish people.

Q. That is not alding and assisting. Did you give Fenianism your moral support, or did you give it material support? A. I have A. P. Macdonald sent for me; I met him at no recollection of any material support the St. Lawrence Hall; I was then idle; not whatsoever; but moral support, or sympathy,

Count-You won't be punished for your sympathy. Did you go to any of its meetings or swear in members? A. I organized, or was, so far as I recollect at the organization of the Hibernians.

Cour-And remained with them two months? A. Yes.

COURT-And do you think it was a part of the Fenian organization? A. When I was a member of it the feeling and strong sympathy of myself and the others were in favor of it.

Q. And the money that was to be raised by that Society organized by you was to be applied to the purposes of Fenianism, was it not? A. I did not say it was organized by me.

COURT-You said you were Chairman at the organization? A. As far as I recollect I was the Chairman. Since this trial commenced I have been told I was not, but I believe I was. Court-You said you were not President,

but you said you were Chairman? A. But since then I have been told that I was not Chairman. Q. Was the money that that Association was to raise to be applied for Fenian pur-

poses? Was that your intention and the intention of the rest of the members of that Society? A. I would not say that, but they were to go to the assistance of Ireland. I have no recollection that Fenianism was talked of then.

Q. Was it for the purpose of enabling the people of Ireland to raise an insurrection against the British nation? A. Oh, no; it was for the purpose of assisting the people of Ireland.

Q. To do what? A. To ameliorate their Q. How? A. By the means they have

used since—agitation. Q. Was not force one of the means? A. Well, I don't think that I ever went for force, because I never thought there could be force enough to obtain their independence. I so annoyed at not having received the conlooked upon force as being too much to ex- tract, for I thought it would have been an im-

pect from people that had no money and no arms, and I never dreamt of force. But all this happened some 20 years ago. We were all more or less enthusiastic in our younger days over these questions. Q. I think you have said you approved of the Fenian Association? A. As far as I re-

collect there were a great many things done in Ireland that I approved. Q. Were you acquainted with the objects of the Fenian organization? A. From what I

have read in the newspapers; yes. Q. What were those objects? A. The elevation and the improvement of the people of

Ireland. Q. Do you mean that you are not aware that the object of the Fenian Brotherhood was to separate Ireland from Great Britain? A. I have seen it put that way; I was not in favor of a separation.

Q. Were you at that time brought in con-

nection with the Honorable Mr. Cartier? A. I was a political supporter of Sir George Cartier since I knew what it was to know what Canadian politics are; and I was a supporter of his from when I have any recollection of knowing him. Q. Had you any conversation with Sir

George, then Mr. Cartler, with reference to the Hibernian Society? A. Never; nor with Sir John A. Macdonald or any member of the Canadian Government, either on Fenjanism, Hibernianism, or any other subject connected with these societies. Q. Or with Mr. Schiller, Clerk of the

Orown? A. Never to my knowledge. Q. Or Mr. Coursol, then Judge of Sessions here? A Never.

Q. Or Mr. Arnold? A. Never. Q. Nor with Mr Pomenville, Sir George Cartier's partner? A. Never; that is to say, outside of discussing the subject publicly, perhaps, but I never had a private conversation with any of these parties you have men-

tioned. COURT-You may have talked of the subject? A. Yes.

COURT-But never made any secret communication to any of these parties? A. Never. Q. Did you receive from the Government,

or any of these officers mentioned, or any other official acting for the Government, any money for the purpose of employing it in the discovery of Fenianism, or any return for any information that may have been given to the Government? A. Never; the man that would propose such a thing to me would take the consequence in a short time.

Q. What kind of pledge was taken by members of the Hibernian Society? A. As far as I recollect, it was for the purpose of assisting the people of Ireland.

Q. What species of pledge or affirmation was it? A. There was no affirmation. So far as 1 can recollect there was a promise to keep the business of the Society within the Society-a promise to keep it among the members. It was not for outside purposes. Q. And to work for the amelioration of the condition of the people of Ireland? A.

Q. Were members of the St. Patrick's Society members of the Hibernian Society? A. There were members of the St. Patrick's Society who was members of the Hibernian Socity, and there were members of the Hiber. nian Society who were members of the St. Patrick's Society.

Q. Did you yourself administer the pledge to any of these parties who joined the Hibernian Society? A. I think the whole of us promised together that we would keep the people, the manhood, has my sympathy, and business of the Society within itself. There was no oath whatsoever, and no signs nor

Q. Were any others admitted as members after the first meeting. A. I don't recol-Q. Had you ever any copies of the proceed-

ings of the meetings of the Hibernian Society made? Never. Q. Did you ever make any yourself? A

Q. Did you ever have any copies in your possession? A. Never. Q. Did you ever receive any money what goever from the secret service of the Government? A. Never.

Q. To change now to the American War. what during that time was your occupation that is, from 1861 to 1865? A. During 1861 and 1865 I was a contractor for the Canadian Government roads in the Eastern Townships During the summer of 1863 I was idle until A P Macdonald sent a carriage for me to meet him at St Lawrence Hall. In 1864 I worked on the Grand Trunk Railway. In 1865 to 1866 or 1867 I was a contractor; in fact, I am a contractor ever since on public works for the Imperial Government and the Canadian Government, and the Local Government of British Columbia, also the Grand Trunk in breaking the law? A. No, sir; not that got that book? A. Certainly he did.

Q. What did you do? A. Well I really Bailway and the Montreal Corporation and I know of. When the invasion of Canada the Corporation of Toronto... Q. Were you engaged in railroading in the United States at all at any time? A. I

Q. You thought you were? In what year

was that? A. During the summer of 1863

thought I was.

being of that turn of mind does me a great deal of good, I was anxious to get to work; he showed me a contract that he was to get from the Atlantic and Great Western Bailway; he told me the prices he was getting, and that if we could supply the land, 70 miles, with men, he would give me an interest in the contract; he showed me the figures and thought it an immense contract; the figures were immense from the prices we were receiving for such work in Canada; "Now," I says, "is this thing genuine; I went out to Ohio and saw the railroad authorities there, the managing superintendent; and he showed me the whole matter and that A P Macdonald would get the contract for the 70 miles of road provided he could stock est trouble in stocking it with men, if I go " in with him, and if he gives me a half in-"terest in the contract;" but, I said, "be sure "of getting this contract;" I came back home again; then I went with A P Macdonald to stock the line with men; I went down to Quebec and got all the men from my works that there had been on before, and sent them out to Obio; I sent several of my own relations; I went out myself; came back again several times; we were about two months stocking the line with men; the pay was from two to five dollars a day; I received from A P Macdonald a telegram in Quebec to meet him in Toronto at once; I went and there he showed me, or told me that there was some misunderstanding between him and the directors; that they would not give him the contract, but that they would pay him for superintending the work and that if I would go and take a portion of the work they would pay my expenses up to date. I said. "I have not gone into this thing for days' "pay; there is no pay going to pay me by "the day; pay me my expenses to date and "we part." But I felt terribly aggrieved at the time. For the two months I was stocking that line with men, or assisting A P Macdonald to do so, I never received one cent for my services, and never charged a cent : I felt mense fortune, and I think it yet. I went out after and saw the works going on and everything in working order, and the line was built and running.

Q. How many men did you send out there? A, I could not tell very well; there was a large number; there must have been, I suppose a couple of thousand men; there was only \$5 charged from Quebec to Akram, in Ohio, and for every ten men sent there was a free ticket for a man to accompany them.

Q. At the time you sent these men neither you nor A. P. Macdonald had the contract, bad you? A. We had the promise of the contract, and I was as sure of it as that I am standing in this box; I sent my own brotherin-law and a dozen at least of my own first cousins, believing we had the biggest contract that I ever heard tell of.

Q. I don't suppose your idea was the same as Mark Twains of sacrificing all his wife's relations; however, what became of these men? A. They worked on the road; 1 have seen several of them; I expect some of them here during this trial. [The learned counsel here proceeded to call over the names of some of the men who were sent to Ohio, and to ask the witness if he remembered them. Among these were Patrick Bennett, Alfred Ralph, Blanchet, Laplerre, William Cooper, Cannon, Thomas Graham, Nix, A Doherty, Mahaney, James Mullens, the witness remembered some of these names; but

had no recollection of most of them. I Q. You had a number of agents in Quebec, not, for getting th not that I know of. I may have hired some men there to assist me, but I had no agents.

Q. Did you employ John Bennett? A. He may have assisted and I may have paid him for his time. A number of other names including John Green, Michael Dincen, James Fahey, Jeremiah Greenlow, were mentioned to the witness, who denied having any connection with some of them, while others he could not remember.

Q. Did you employ parties to get these men together to send to Ohio? A. I had no agents.

Q. Did you employ people as runners to go to the neighboring population to see after these men to work on the railway? A. It is

more than likely I have. Q. Do you remember their names. Was Jeremiah Greenlow one, or Frank Guisham or Thomas Guisham? A. You are mentioning respectable mens' names in Quebec that you are not justified in doing.

Ocurr-That is not the question. Did you employ these men to get working people together? A. No.

Q. Or a man named Haden, or Thomas Kirby, or James O'Brien, or John O'Leary, or had seen in New York? A. Yes. Robert Smith, or James Ward? A. Not at

all, they were no agents of mine. Q. And in Montreal aid you employ Eugene O'Rourke, or James Stanley, or Hugh Brennan, or Hugh O'Rourke to get men to go to the States? A. Never.

Q. You knew Mr. Brydges, of the Grand Trunk hallway? A. Yes. Q. Did you about 10 years ago offer \$500 to Michael O'Reilly on condition that he would put daylight, as it was expressed, through Mr. Brydges? A. No.

Q. Michael O'Rielly is a connection of yours? A. First cousin and brother-in-law. Q. Had you any difficulty with Mr Brydges in 1872? A. Our friendship together has been the same from 1863 to the present day. Court-Then you never had a quarrel with Brydges? A. Never; I look upon him as one of my best friends in Canada; he has stood by me and befriended me, and perhaps sometimes I have been wrong.

Q. When did you first run for the Presidency of St Patrick's Society? A. In 1869; and since then I have been elected four times; I was President when this libel was published on the 15th of March last. Q. And you were a candidate for re-elec-

tion? A. No; I do not think I would have run again only for that libel; I think I had it two years running and was perfectly satisfied to retire, and would have thanked anyone to take my place.

Q. Do you remember Michael Murphy was arrested in Cornwall? A. I do. Q. For what was he arrested? A. Well,

Q. Were you at Cornwall while Murphy was under arrest? A. I was subporned up by the Crown: I was examined as a witness and my evidence is published to the world. Q. Did you give evidence against him? A. It is here; you can read it. Q. Did you endeavor, while there, to make

That's old Whelan's talk. RE-EXAMINED BY MR. OUINET. Q. Did you ever materially assist Fenianism

person named Michael McInerny to join the

Fenian Brotherhood? A. That's all popacock.

was talked about I used every means in my power and dissuaded and talked against any such movement all I could. Fenianism in Ireland was all very well, but the invasion of

Canada was talked against by me. Q. Will you explain a little more what you mean by saying the Fenian movement, or any other society, was for elevating the people? Did you mean by any unlawful means? A. By agitation; by the usual ways that the prominent leaders in Ireland were that the prominent resucts in introduction wild the meeting.

taking for relieving Ireland; as to the wild the meeting.

Q. What did he say the purpose was? I have always discount nanced them.

Q. You never encouraged them? A. By

force of arms, never.

This ended the case for the prosecution. Mr DOBERTY then opened the defence by

alling as the first witness Patrick Mullen, laborer, of Quebec, deposed that he had known Mr McNamee about 23 years; he had known him since the time he (McNamee) came to Quebec to gather men to go to Ohio; witness was one of the first to be picked up; he was engaged by Mr it with men; I said, "there is not the slight- McNamee himself, who told him to come along and he would be paid a dollar a day to work on this railroad in Onio; he (witness) was in the first gang that went up to Ohio : there was about two bundred in that gang two other gangs of about the same number followed at intervals of about a week; when witness went to Ohio he and the others made a bit of a kind of a road; he could not say whether it was a railroad or a switch; it was a kind of a switch in a swamp; there were no bars and no timber laid on it; and after working there about three weeks, when the three gangs came they all turned out to work one morning and found the tool boxes and shanties all gone, and they were left in the swamp, and a man named O'Donnell that was over them was seized by them; they held him, and they got paid for what they had worked; and then some of the men had to enlist in the American army; witness hired a substitute; this bit of a switch was off at the side of the back, on the right of the road; it was a broken up spot; they were not making a track at all; and as soon as the third gang came the work was stopped. There were about 600 men altogether in the three gangs. Q. Do you know what became of the larger

portion of these 600 men? (Question objected to by prosecuting Counsel).

Court-Unless it can be shown that there was a conspiracy to put these men in that position, in such a position that they could do nothing else but enlist the charge of crimping and bounty looking will not be proved. There is a specific charge in the plea of justification, and it will have to be proved that the prosecution was engaged in this operation and violating the law. He is in reality accused of violating the Enlistment Act, and this must be proved specifically. If you can prove by A P Macdonald that this was not true about having a promise of a contract, and that there never was such a railroad contract, you may ask generally from this man what was done, but I will not allow it to go very far.

Q. Can you tell us what became of these men? A. Some came home and some—most of them-enlisted in the army there. could get nothing to live on up there.

Court-Did a great many of the men who went out there enlist, having no means down there? A. Yes. Court-You must bring forward some evidence of Mr McNamee having done this. Bring forward a man who was engaged as a soluier for instance.

John McGrath was next called to the tand. The following is a verbatim report of his examination by Mr. C. J. Doherty :-

Q. You know Mr McNamee? A. Yes. Q. In 1862 were you a member of St Patrick's Society, Montreal? A. No. Q. Is it to your knowledge that Mr Mc-

Society, I could not swear that he was. Q. Do you remember that in the fall of 1862 Mr. McNamee made a journey to New York, or that he stated to you that he had?

A. No, he did not tell ms. Q. Do you know whether or not there was meeting held in the house of Mr McNamee in the fall of '62? A. Yes.

Q. Were you present? A. Yes. Q. Was Mr McNamee there? A. Yes. Q. Were you there by invitation 2 A. By invitation from Mr McNamee. Q. By invitation from anyone? A. There was something like a round-robin, like me

askink you and you asking me to be there. Q. Who seked you? A. To be positive I would not say, but I think it was Dan Lyons.

Q. At any rate you were asked to go, and you went? A. Yes, I was there. Q. Were there many there? A. There were eight or ten.

Q. Did Mr McNamee make any statement. and to what effect? A. He stated that he had been to New York on a pleasure excursion, or something like that. Q. Did he mention any person whom he

Q. Just tell us what he said about his journey to New York? After some hesitation on witness' part the Judge put the question, "What was the object of the meeting? You were expected

there?" A. I was. Q. You found several persons there; what was the object? Was it to tell you what he had done in New York? A. Well, yes. Judge RAMSAY-What did he tell you in

persuance of this object? A. Well, what was the object? Courr-You have told us he asked you to go there? A. No, your Honor, it was not

him that asked me.

Court-Well, you were asked, and you were expected, and you found eight or ten people there and Mr McNamee was there, and you have said that the object was to tell you what he had done in New York. Now what did he tell you he had done in New York? A. He told us that the St Patrick's Society had invited John O'Mahoney to come here and give a lecture, and that some kind of dilatory answer had been received from him, and, therefore, he (McNamee) was asked before going away to New York to call on O'Mahoney and see why he did not come

here. Count-Well, what took place after that? (more hesitation on part of witness) Mr Doherty continuing-Q. Did he tell you of any commission O'Mahoney had charged him with to you? A. He did not tell me of any commission on anyone in Montreal, for I don't suppose that O'Mahoney was acquainted with anybody then.

Q. Did McNamee make any statement to you, that is to the meeting, as to what O'Mahonev had stated to him? A. Yes. Q. What did it refer to? A. To the Fenian Brotherhood.

Q. Did Mr McNamee have any documents at that meeting? A. That requires another question; what do you call a document? Q. Any paper written or printed, or any book or pamphlet. A. He had a printed pamphlet or a book. Q. Did he tell you or the meeting where he

Q. Who did he say gave it to him? An Mr John O'Mahoney.

Q. Did he tell you the contents? A. He did not tell us what they were, because he passed the book around for us all to see. Q. What was that book? A. It was the

Constitution of the Fenian Brotherhood. Q. Did he tell you for what purpose Mr John O'Mahoney had given him this Constitution of the Fenian Brotherhood? A. He did not tell me. Q. Did he tell the meeting? A. He told

Well, if you have read the Constitution you ought to be posted on it.

Q. What did he say O'Mahoney's purpose was in giving him the book? A. The book speaks for itself. Q. What did he expect Mr. MeNamee to do? Did he tell the meeting that O'Mahoney

told him what he gave him the book for? Did he give it to him merely to read it? A. It was generally understood that it was for the purpose of establishing or organizing a branch of the Fenian Brotherhood here. Q. Was that the business of the meeting? A. Yes, that is what I understood it was. Q. And was that constitution read at the

meeting? A. Well, as far as I can recollect, as I related before, it was passed round from one to another. Q. And each one took communication of it? A. Yes.

Q. Had Mr. McNamee any other documents besides that small book or pamphlet? Had he anything in writing, any paper or anything? A. For what purpose; a man might have his pockets full of papers. Q. Had he any letter, writing or printing,

which he produced for those present to read in connection with the objects of the mee ing. A. I can't recollect that he had. Q. Had he any letter from John O'Mahoney? A. I can't bring to mind any letter or letters, but there was an authorization from him to establish a branch of the

Fenian Brotherhood. Q. Had he a printed document of that sort? A. I don't say it was a printed one, but he produced some document, either printed or written, for establishing a branch here.

Q. It was handed around to the meeting? A. Yes. Q. Did Mr. McNamee make any statement of what the document was?

This question was objected to by Mr. Carter on the ground that there should have been notice to produce it in order to give any evidence of its contents. Court-The counsel asks if Mr. McNamee made any statement about it.

Mr. Donerty-I asked Mr. McNamee this morning specially if he had got such a document and he said he had not. How could I call on him to produce a document which he swore he never had. The Court-You had information I pre-

sume, that such a document existed, and your course for proving the contents has nothing to do with what a witness may say. If the document is in existence you should have given notice to produce it, otherwise you cannot prove its contents as secondary evidence. Court to witness-Did Mr. McNamee in

it? A. He said he had been to New York and had got it from O'Mahoney, with an authorization to establish a branch of the Fenian Brotherhood. Mr. Donerry-Do you know what was the position of John O'Mahoney in the Fenian Brotherhood? A. What position he occu-

showing this document say anything about

pies? The man is dead, so how should I know. Q But what position did he then occupy? A He was Head Centre, as I understood from public print. Q After the production of this document and the making of this statement by Mr Mc-Names what was next done at the meeting in

his house? A The parties present formed themselves into an organization. Q What was their purposs? A It was a Q. Did it adopt the constitution Mr. Mc-

Namee brought with him? Objected to by Mr. Carter. Q. What was the name given to the organization formed in McNamee's house? A. Well. I was at one time the secretary of it. and its meetings were called under the name of the Hibernian Society.

Q. Were officers elected at that first meetlng? A. I wouldn't be positive. Q. Did you have subsequent meetings? Q. Who was the first President? A. Mr.

McNamee was. Q. Who was the first Secretary of the organization? A. As far as I recollect it was Mr. Patrick O'Meara.

Q. Who was the Treasurer? A. He is absent now. Q. Who was it? A. It was Mr. William Mansfield. Q. Do you recollect who else was present

at the first meeting in McNamee's house?

A. I do not remember all. There was Mr O'Mears, Mr McNamee, myself and Mr Lyons. Q. Any others? A. That's all I can re-Q. Did the members of that organization take any pledge, make any promise or affirmation when they joined it? A. They made

a promise or pledge, but no oath. Q. Who administered this promise to those joining? A. The chairman, Mr McNames, for the time being, but at the organization of the Society each individual took the pledge on his own responsibility.

Q. But subsequently, when new members were brought in, who was the chairman who

received their pledges? A. For a few months it was Mr McNamee. I don't think he was chairman more than two or three months. Q. What was the purport of the promise of the parties joining the organization? A.

The purport was the organization of the Fenian Brotherhood. Q. What was it that parties joining promised to do, or not to do? The Court-If your answer would tend to

refuse to answer. A. I don't know about the crimination. COURT-Well, then, you had better an-

criminate you, I may tell you that you may

A. Well, your Honor, the promise was to aid and assist Ireland in a revolutionary movement. By Mr Doneary-Q. Was there anything by persons making that promise to bind them to obey the orders coming from any inner circle of the Fenian Brotherhood, or any branch or officer, centre or head-centre? A.

pertaining to you as a member. Q. That is to say, to obey the orders of superior officers in the Fenian Brotherhood? A. Yes, to obey orders as to your duties as a Fenian, all politics or religious excluded. Q. But all in relation to the movement in Ireland? A. The organization that we started was an outer circle to contribute money

The promise was to perform the duties ap-

and means to assist the revolutionary movement; you may call it what you like. Q. What was that revolutionary movement? A. I thought every man that read the papers here, where you are all a reading people ,ought to know, especially lawyers.

(Continued no Third Page.)